

**LEGAL NOTICE
TOWN OF PHILLIPSBURG
LAND USE BOARD
PUBLIC HEARING
THURSDAY, APRIL 25, 2024
7:00 P.M.**

**PRELIMINARY INVESTIGATION WHETHER A PROPOSED STUDY AREA QUALIFIES AS
AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT**

PLEASE TAKE NOTICE THAT, in accordance with New Jersey's "Local Redevelopment and Housing Law," N.J.S. 40A:12A-1, et. seq., on Thursday, April 25, 2024 at 7:00 p.m., the Town of Phillipsburg Land Use Board will hold a public hearing on the referral from the Phillipsburg Town Council of its Resolution No. R-2024-33, wherein the Town Council has requested the Land Use Board undertake a preliminary investigation to determine whether a proposed study area, *to wit*, Tax Map Block 1105, Lot 2, commonly known as 411 Heckman Street, qualifies as an area in need of non-condemnation redevelopment pursuant to N.J.S. 40A:12A-1, et. seq.

PLEASE TAKE FURTHER NOTICE THAT any person or party who wishes to comment, or otherwise be heard, on the preliminary investigation may do so at the public hearing or may submit written comments to the Town of Phillipsburg Land Use Board prior to the public hearing date noted above. All documents relating to the preliminary investigation, including a map which sets forth the general boundaries of the study area, shall be on file and available for public inspection at least ten (10) days before the public hearing date noted above and may be inspected at the office of the Town of Phillipsburg Planning Board Clerk during normal business hours by calling Kelly Lefler, Clerk of the Land Use Board, at 908-454-5500, ext. 330, to schedule an appointment to review such documents. All written comments must be sent to the Clerk of the Land Use Board, 120 Filmore Street, Phillipsburg, New Jersey, 08865.

PLEASE TAKE FURTHER NOTICE THAT if the Land Use Board determines that the subject area qualifies as an area in need of non-condemnation redevelopment, that determination shall not authorize the Town of Phillipsburg to exercise the power of eminent domain to acquire the property in the study area.

PLEASE TAKE FURTHER NOTICE THAT, at the public hearing, the Land Use Board will consider all documents relating to the preliminary investigation and all public comments and may take action including formally recommending that the Phillipsburg Town Council declare the study area to be an area which qualifies as an area in need of non-condemnation redevelopment.

PLEASE TAKE FURTHER NOTICE THAT a copy of the Phillipsburg Town Council's Resolution No. 2024-33 is attached hereto and incorporated by reference herein this Notice.

PLEASE TAKE FURTHER NOTICE THAT, at the public hearing, the Land Use Board will consider all documents relating to the preliminary investigation and all public comments and may take action including formally recommending that the Phillipsburg Town Council declare the above-referenced property to be an area in need of non-condemnation redevelopment pursuant to N.J.S. 40A:12A-1, et. seq.

PLEASE TAKE FURTHER NOTICE THAT, at the public hearing, the Land Use Board will take action.

R2024-33

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN AND STATE OF NEW JERSEY, DIRECTING THE TOWN OF PHILLIPSBURG COMBINED PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, BLOCK 1105 LOT 2 QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”), provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Redevelopment Law sets forth the procedures for the Town to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be deemed a redevelopment area unless the governing body of the municipality shall, by Resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the New Jersey Legislature adopted, and the Governor signed, P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, “[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a “Non-Condemnation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “Condemnation Redevelopment Area”); and

WHEREAS, the Town Council desires to commission a study to determine if the Block 1105, Lot 2 on the Town of Phillipsburg Tax Map satisfies the criteria of an Area in Need of Redevelopment (Non-Condemnation); and

WHEREAS, the Town Council finds it to be in the best interest of the Town and its residents to authorize the Town’s Planning Board pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-6 to undertake such preliminary investigation of the study area which includes properties Block 1105, Lot 2 (the “Study Area”);

WHEREAS, the Town Council desires that the Planning Board undertake a preliminary investigation and to prepare the preliminary investigation to determine whether the proposed Study Areas qualifies as an area in need of Non-Condensation Redevelopment pursuant to N.J.S.A. 40A:12A-5.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Phillipsburg, in the County of Warren, and State of New Jersey, that the Planning Board is hereby authorized and directed to undertake a preliminary investigation and to prepare the preliminary investigation, pursuant to the notice, conduct a hearing and comply with other requirements of the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq., as amended, in order to recommend to the Town Council whether the area comprising the study area is an area in need of **Non-Condensation Redevelopment** according to the criteria set forth in N.J.S.A. 4A:12A-5.

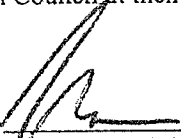
BE IT FURTHER RESOLVED, that the Planning Board shall submit its findings and recommendations to the Town Council in the form of a Resolution with supporting documentation.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution is to be forwarded to the Planning Board of the Town of Phillipsburg.

BE IT FURTHER RESOLVED, that this Resolution shall take effect pursuant to law.

CERTIFICATION

I, Matthew C. Hall, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 28, 2024 meeting.



Matthew C. Hall, MPA
Acting Municipal Clerk